

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. GAETANO,

Plaintiff,

v.

TIM L. LEWIS, et al.,

Defendants.

Civil Action No. 08-167 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on June 2, 2008.

The Magistrate Judge's Report and Recommendation [Doc. No. 12], filed on February 18, 2009, recommended that the motion to dismiss filed by Defendant Vardaro [Doc. No. 7] be granted and the motion to dismiss filed by the County Defendants [Doc. No. 5] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of March, 2009;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Vardaro [Doc. No. 7] is GRANTED and the motion to dismiss filed by the County Defendants [Doc. No. 5] is GRANTED.

The Report and Recommendation [Doc. No. 12] of Magistrate Judge Baxter, filed on February 18, 2009 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge